

REMARKS

Claims 1-11 have been examined. Claim 1 has been rejected under 35 U.S.C. § 112, second paragraph, claims 1, 2, 4 and 10-11 have been rejected under 35 U.S.C. § 102(b), and claims 3 and 5-9 have been rejected under 35 U.S.C. § 103(a).

I. Preliminary Matters

As noted in the August 11, 2004 Interview Summary, claim 11 was amended to depend upon claim 10. The Examiner's amendment is incorporated into the claims as listed in this Amendment.

II. Rejections under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claim 1 under 35 U.S.C. § 112, second paragraph, due to an antecedent basis error. Applicant has amended claim 1 and submits that such amendment overcomes the rejection.

III. Rejections under 35 U.S.C. § 102(b) in view of U.S. Patent No. 5,386,478 to Plunkett ("Plunkett")

The Examiner has rejected claims 1, 2, 4 and 10-11 under 35 U.S.C. § 102(b) as being anticipated by Plunkett.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites a channel-to-channel level adjustor for adjusting levels of audio signals. Claim 1 further recites a channel-to-channel level corrector that corrects an adjusted amount of the channel-to-channel level adjustors, based on detection results of detectors.

Applicant incorporates herein the arguments provided in the May 24, 2004 Amendment, regarding the above features.

In addition, claim 1 recites that the channel-to-channel level corrector corrects the adjusted amount of the plurality of channel-to-channel level adjustors on the basis of one data of the reproduced sounds having a minimum value with respect to the reproduced sounds, which is extracted through the in-channel level corrector of each sound generator (support for the amendments of claim 1 are found in the non-limiting embodiment disclosed on pg. 41, line 18 to pg. 43, line 10).

Even if Applicant assumes *arguendo* that col. 3, lines 50-52 of Plunkett discloses the claimed channel-to-channel level corrector, the reference fails to teach or suggest that any adjusted amount is corrected on the basis of one data of reproduced sounds having a minimum value, as recited in claim 1.

In view of the above, Applicant submits that claim 1 is patentable over the cited reference, and respectfully requests the Examiner to reconsider and withdraw the rejection.

B. Claims 2, 4, 10 and 11

Since claims 2, 4, 10 and 11 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

IV. Rejections under 35 U.S.C. § 103(a) in view of Plunkett and U.S. Patent No. 5,581,621 to Koyama et al. ("Koyama")

Claims 3 and 5-9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Plunkett in view of Koyama.

A. Claim 3

Since claim 3 is dependent upon claim 1, and since Koyama fails to cure the deficient teachings of Plunkett in regard to claim 1, Applicant submits that such claim is patentable at least by virtue of its dependency.

B. Claim 5

Since claim 5 contains features that are analogous to the features recited in claim 1, and since Koyama fails to cure the deficient teachings of Plunkett, in regard to these features, Applicant submits that claim 5 is patentable over the cited references for at least reasons analogous to those as set forth above. Applicant submits that support for the amendments of claim 5 are found in the non-limiting embodiment disclosed on pg. 41, line 18 to pg. 43, line 10.

Amendment under 37 C.F.R. § 1.114(c)
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C. Claims 6-9

Since claims 6-9 are dependent upon claim 1 or claim 5, and since Koyama fails to cure the deficient teachings of Plunkett in regard to claims 1 and 5, Applicant submits that such claims are patentable at least by virtue of their dependency.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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